



4. Dunkin' pleads that if Defendant suffered any damages, such damages were caused by the acts or omissions of Defendant or other persons for whose acts or omissions Dunkin' is not liable, including Defendant himself.

5. Without conceding that Defendant has suffered any damages, Dunkin' pleads that Defendant is barred from recovery, in whole or in part, for failing to mitigate his alleged damages.

6. Dunkin' pleads that that Defendant's claims fail, in whole or in part, because, even in the absence of any alleged impermissible motivating factor (of which there was none), Dunkin' would have taken the same actions regarding Defendant.

7. Dunkin' pleads that Defendant's claims are barred, in whole or in part, by the doctrines of laches, unclean hands, estoppel and/or waiver.

8. Dunkin' pleads that Defendant's claims are barred, in whole or in part, by the applicable statutes of limitation.

9. Dunkin' denies that Defendant is entitled to recover costs and attorneys' fees under any theory of law.

10. Dunkin' reserves the right to add defenses as information is learned through discovery.

WHEREFORE, Dunkin' prays that this Court dismiss Defendant's Counterclaim with prejudice, award Dunkin' judgment against Defendant for their costs and attorneys' fees incurred in connection with Defendant's Counterclaim, and award Dunkin' such other relief as this Court may deem just and proper.

Respectfully submitted,

By: /s/ Ronald D. Degen

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